REMARKS

Reconsideration of the rejections set forth in the Final Office Action mailed July 14, 2004, is respectfully requested. Claims 83, 84, 91, 95, 97-101, 104-105, and 107 have been amended. Claim 96 has been canceled. Claims 83-91, 95, 97-101, 104-105, and 107 remain pending in this case. Support for these amendments can be found in the specification at, e.g., page 10, line 17 – page 12, line 16; page 13, line 30 – page 14, line 23; page 20, line 25 – page 21, line 27; and FIG. 2. Therefore, these amendments are made without introducing new matter.

Vagueness and Indefiniteness

Claims 83-91 and 95-101, 104, 105, and 107 were rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. In particular, the examiner has requested clarification of the contacting of a target, primer, or nucleic acid with the location. In claim 83, applicants have amended the claim to specify that the nucleic acid is contacted with the permeation layer at the microlocation. With regard to claim 91, the various contacting steps have been amended to specify that the various nucleic acids, rather than the location, at those microlocations are being contacted with the nucleic acids, primers, or enzymes. Therefore, applicants respectfully request withdrawal of the rejections and reconsideration of the claims as amended.

Art Rejections

Claims 83, 84, and 96 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kreisher (USP 4,589,965) in view of Ramachandran et al. (USP 5,109,124). Applicants have amended claim 83 to require the step of "*providing an array of microlocations comprising a permeation layer coupled to a plurality of electrodes, wherein each microlocation comprises an electrode coupled to the permeation layer.*" Applicants respectfully assert that neither Kreisher nor Ramachandran teach or suggest the *an array of microlocations* comprising a permeation layer coupled to a *plurality of electrodes*. In contrast, Kreisher sandwiches the gel and membrane between *plate electrodes*. (See Col. 2, lines 33-43). Therefore, applicants respectfully request withdrawal of the rejections and reconsideration of the claims as amended.

Information Disclosure Statement

The examiner noted that one of the citations (JP 05 285000) on the enclosed IDS is lined through because no copy was found. Applicants submit herewith a copy of the omitted reference along with a statement of relevance. The purpose of this invention is to simplify the detection of gene and to raise sensitivity by immobilizing a nucleic acid of specimen modified into a single strand to the surface of an electrode, etc., associating the nucleic acid with a single stranded nucleic acid probe, adding specific double stranded recognition material to the reaction element and measuring electrochemical change, etc.

Therefore, applicants respectfully request the return of the PTO FORM-1449 submitted on April 16, 2004, with the above-referenced Japanese reference initialized by the examiner.

CONCLUSION

For all the foregoing reasons, Applicants assert the claims are in condition for allowance. Favorable action on the merits of the claims is therefore earnestly solicited. If any issues remain, please contact Applicants' undersigned representative at (949) 737-2900. The Commissioner is hereby authorized to charge any fees that may be required in connection with the filing of these documents to Deposit Account No. 50-2862.

Respectfully submitted,

Dated: 10/11/04

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